



# OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT

U.S. Department of the Interior

Annual Evaluation Report for the  
Regulatory and Abandoned Mine Land Programs  
Administered by the Railroad Commission of Texas



For Evaluation Year 2018  
July 1, 2017 to June 30, 2018  
Prepared by the Tulsa Field Office  
September 2018

## EXECUTIVE SUMMARY

The Office of Surface Mining Reclamation and Enforcement (OSMRE), Tulsa Field Office, conducted oversight evaluations of the Railroad Commission of Texas, Surface Mining and Reclamation Division (RCT) during the 2018 evaluation year. The evaluations were conducted to determine the success with which RCT implements its regulatory and abandoned mine land programs approved under the Surface Mining Control and Reclamation Act of 1977. These evaluations are conducted to identify components of the RCT program that could be strengthened, and aid OSMRE in determining whether it needs to provide additional assistance to RCT.

The Tulsa Field Office conducted studies of data regarding the frequency of state inspections, the number of mine sites that were free of off-site impacts, the successful reclamation of regulated mining, RCT's customer service, and to evaluate the State's abandoned mined land reclamation program.

- Texas mines produced 35,628,317 tons of lignite coal in calendar year 2017, the most recent period for coal production figures available to OSMRE. Texas continued to rank sixth in production of coal-producing states in the United States. Coal mines averaged 10,672 acres per permit and 9,702 acres per inspectable unit.
- Texas certified completion of all of its known high priority abandoned mine land hazards in 1992, and has been approved to use abandoned mine land funds for work on non-coal abandoned mine sites. During the 2018 evaluation year, Texas completed one coal-related project. RCT completed reclamation of an abandoned uranium project and storm damage repair to the previously completed Adobe Wells project.
- RCT's regulatory personnel identify and report on surface coal mining and reclamation operation impacts to people, land, water, or structures that are outside of areas authorized for disturbance by mining. Thirty-two of the thirty three Texas inspectable units (ninety-seven percent) were free of off-site impacts during the 2018 evaluation year.
- RCT released Phase I reclamation performance bond from 2,960 acres, 1,724 acres from Phase II, and 3,194 acres from Phase III during the evaluation year. RCT has continued to implement practices that encourage permittees to pursue bond releases.
- RCT followed its program requirements when responding to requests for information and assistance to customers in the coal fields. RCT addresses inquiries from consulting firms, coal companies, legal firms, various government employees, and the general public.
- RCT has continued to meet the inspection frequency requirements of the Texas Surface Coal Mining and Reclamation Act for surface coal mining and reclamation operations in the state.
- OSMRE's distribution of abandoned mine land funds to Texas in the 2018 evaluation year was \$2,287,150, while the Federal funding for the regulatory program was \$2,592,728; therefore, total Federal funding to Texas was \$4,879,878.

Based on the findings listed above, and on evaluations throughout the 2018 evaluation year, OSMRE has found that RCT is administering its regulatory and abandoned mine lands programs in accordance with the state statute and regulations as approved by the Secretary of the Interior.

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*Cover Page Photograph: Stream Reconstruction at the Jewett Mine*

## I. INTRODUCTION

The Surface Mining Control and Reclamation Act of 1977 (SMCRA) created the Office of Surface Mining Reclamation and Enforcement (OSMRE) in the Department of the Interior. SMCRA gives OSMRE the responsibility to oversee the implementation of, and provide federal funding for, the state regulatory and abandoned mine land (AML) programs that have been approved by the Secretary of the Interior as meeting the minimum standards specified by SMCRA. OSMRE and the states have a shared responsibility to ensure the requirements of SMCRA are met, and many of those responsibilities are described in a State/Federal performance agreement. In addition to conducting oversight of approved state programs, OSMRE provides technical assistance, staff training, financial grants, as well as management assistance to each state program. The Railroad Commission of Texas, Surface Mining and Reclamation Division (RCT) is the Texas agency responsible for administering the Texas regulatory and AML programs. In Evaluation Year (EY) 2018, RCT's regulatory program had approximately 38 full-time equivalent employees (FTEs) responsible for permitting, inspection and enforcement, and general administration of program activities; while the AML program had approximately four FTEs for program administration. This report contains summary information regarding the Texas coal programs, and addresses the effectiveness of Texas in meeting the purposes of SMCRA as specified in Section 102 of the Law. This annual report covers the EY 2018, the time period between July 1, 2017, and June 30, 2018.

OSMRE's oversight is an ongoing process. This annual report is structured to report on OSMRE's and Texas' progress in conducting evaluations of State activities, and on the accomplishments or problems identified during the evaluation period. Detailed background information and comprehensive reports for the program elements evaluated during the EY are available for review and copying at: Office of Surface Mining Reclamation and Enforcement, Tulsa Field Office, 1645 South 101st East Avenue, Suite 145, Tulsa, Oklahoma 74128-4629. To arrange an appointment time, contact William Joseph via telephone (918-581-6431 ext. 230) or email [bjoseph@osmre.gov](mailto:bjoseph@osmre.gov).

OSMRE's Mid-Continent Regional website is located at [the Midcontinent tab on OSMRE's webpage](#) and contains information for the public. The website contains a link to the webpage for RCT at [the State of Texas tab on OSMRE's webpage](#). This website contains contacts and general information about the State agency's mission and programs.

A variety of reports are also available at the OSMRE Oversight Documents website at [OSMRE's ODOCS resource](#). Adobe Acrobat Reader® is needed to view the documents located on OSMRE's website, and Acrobat Reader® can be downloaded for free at [Adobe Reader](#).



Use the following steps to gain access to the document of interest on OSMRE’s website: Select “Texas” from the drop down box labeled “State”, then select “2018” as the “Evaluation Year,” and click “Submit.” The search can be narrowed by choosing selections under the “Keyword” or “Category” headings. The oversight documents and reports matching the selected state and evaluation year will appear at the bottom of the page. Select “View” for the document that is of interest and the report will appear for viewing, saving, and/or printing.

The following acronyms are used in this report:

<b>AML</b>	Abandoned Mine Land
<b>eAMLIS</b>	Enhanced Abandoned Mine Land Inventory System
<b>EY</b>	Evaluation Year
<b>FBMS</b>	Financial and Business Management System
<b>OIG</b>	U.S. Department of Interior Office of Inspector General
<b>OSMRE</b>	Office of Surface Mining Reclamation and Enforcement
<b>RCT</b>	Railroad Commission of Texas, Surface Mining and Reclamation Division
<b>SMCRA</b>	Surface Mining Control and Reclamation Act of 1977
<b>TAC</b>	Texas Administrative Code
<b>TDN</b>	Ten-Day Notice
<b>TFO</b>	OSMRE Tulsa Field Office
<b>TIPS</b>	Technical Innovation and Professional Services

## **II. OVERVIEW OF COAL MINING INDUSTRY IN TEXAS**

Coal is the most abundant fossil fuel in the world. The United States holds the world’s largest estimated recoverable reserves of coal at approximately 27 percent. Based on current production levels, the United States has enough estimated recoverable reserves of coal to last more than 200 years. Coal is classified into four main types or ranks (anthracite, bituminous, subbituminous, and lignite), depending on the amounts and types of carbon it contains and on the amount of heat energy it can produce.

The near-surface coal deposits (within 200 feet) in Texas are approximately 97 percent lignite, while the remainder is bituminous coal. The potential coal reserves are 23 billion tons of lignite, and 787 million tons of bituminous coal. The sulfur content ranges from 0.7 to 1.5 percent for lignite, and 1.4 to 3.6 percent for the bituminous coal. Cannel coal has been mined on three south Texas mines and has an average sulfur content of 2.2 percent.

In the 1840's, the first bituminous coal was mined along the Trinity River of Texas. As early as 1850, lignite was produced and used. Coal from both lignite and bituminous deposits was used by the railroads until the 1920's. In 1917, coal production in Texas was about 2.5 million tons, with approximately equal amounts of lignite and bituminous coal being mined. From 1918 until 1950, only 18,000 tons of lignite was produced. In 1954, a lignite-fueled, electric power-generating plant opened near Rockdale, Texas. Following the opening of the power plant, annual coal production increased rapidly to meet the demand for electric power generation. In the 2017 calendar year, 35,628,316 tons of lignite coal was produced in Texas from expansive surface mines using large equipment such as draglines, bulldozers, loaders, trucks, and other mobile equipment. One hundred percent of the production in 2017 was lignite.

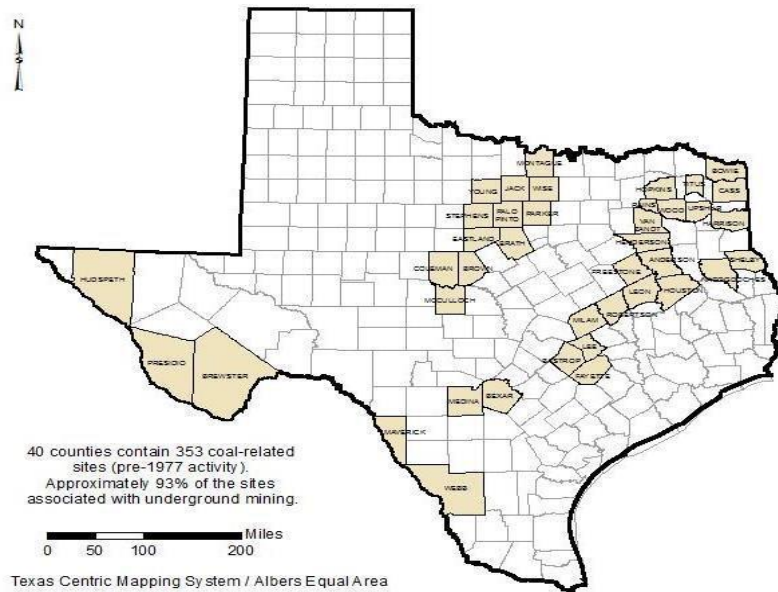
Current coal permits are located in the interior counties of Texas, and lignite production is used to generate electric power in the state. A small portion of the lignite is used to produce activated carbon. Texas is the nation's sixth-ranked coal-producing state and is the largest lignite producer. Daily employment at the 32 inspectable units is approximately 2,500 employees.

In accordance with Texas Administrative Code (TAC) Title 16, chapter 12, §12.306, permit areas that receive an average of 26 inches of annual precipitation shall maintain a reclamation bond liability period of no less than ten years. Four permits in Texas have the ten-year bond liability period to allow vegetation to become established and the ten years are referred to as the “extended responsibility period”. The remaining permits have a five-year liability period.

Climate is not a limiting factor for reclamation activity in Texas, although the hot and sometimes droughty growing seasons can prove challenging for permittees when revegetating the reclaimed areas. Texas can also have periods of heavy, intense rainfall from tropical depressions and hurricanes that can leave areas flooded for extended periods. Use of mining and reclamation equipment in these flooded areas is limited until the soils dry. Some mines have acid-forming materials in the overburden that have complicated reclamation activities. In areas where topsoil substitution is used, selective overburden handling techniques often include methods to mitigate acid-forming materials in the top four feet of the rooting medium.

Prior to passage of SMCRA, which established detailed standards for coal mining and reclamation operations, many mines were simply abandoned, leaving behind thousands of acres of scarred and useless land. Hazards to public health and safety exist where abandoned underground mine portals and shafts remain open, highwalls are left standing, and dilapidated mine buildings and equipment attract unwary visitors. Abandoned coal mines are known to have occurred in 40 Texas counties (Anderson, Bastrop, Bexar, Bowie, Brewster, Brown, Cass, Coleman, Eastland, Erath, Fayette, Freestone, Harrison, Henderson, Hopkins, Huston, Hudspeth, Jack, Lee, Leon, Maverick, McCullough, Medina, Milam, Montague, Nacogdoches, Palo Pinto, Parker, Presidio, Rains, Robertson, Shelby, Stephens, Titus, Upshur, Van Zandt, Webb, Wise, Wood, and Young).

By August 19, 1992, Texas had completed reclamation on all inventoried high priority coal-related AML sites and was approved to use federal AML funds for the reclamation of non-coal AML sites.



**Figure 1: Map of Historic Coal Mine Counties in Texas. Information gathered from Railroad Commission webpage at [www.RCT.state.tx.us](http://www.RCT.state.tx.us).**

### III. OVERVIEW OF THE PUBLIC PARTICIPATION AND OUTREACH EFFORTS

The term “public” includes all stakeholders (i.e., citizenry-at-large, environmental groups, industry, and federal, state or local agencies). OSMRE’s Directive on Oversight of State Programs (REG-8) states that public participation is an integral part of the implementation of an approved state program. The oversight guidance in REG-8 calls for evaluating the state’s performance on public participation and customer service annually. Opportunities for public participation occur at significant points in the Texas regulatory program and involve the ability of the public to:

- Request the designation of areas as unsuitable for mining;
- Receive notification by advertisement that RCT has received a permit application;
- Review new permit and permit revision applications;
- Contest RCT’s decision on permit applications and permit revisions;
- Request an inspection of a mine site;
- Submit blasting, groundwater well, and/or a general permit complaint if a stakeholder believes a violation of the regulations is taking place;
- Object to proposed bond releases;
- Initiate civil suits; and
- Petition RCT to initiate rulemaking.



The Texas AML program provides opportunities for public participation and the AML program staff interacts with local associations, citizens, environmental organizations, and other groups to:

- Determine areas of concern and receive suggestions relative to AML reclamation; and
- Provide timely information about OSMRE activities to interested groups.

In the 2018-2019 Performance Agreement, RCT and OSMRE agreed to evaluate how RCT addresses at least one of various categories as they pertain to public participation: citizen's complaints, permitting actions, reclamation success, and/or other public services required by the state program. RCT uses the state of Texas' administrative procedures that provide the public with opportunity for formal hearings and access to records on all significant actions. The Introduction section of this report explains how to access information on RCT's programs via the internet. The public can access information regarding:

- The coal regulatory and AML programs;
- Regulations and statutes;
- Advisories and directives;
- Historic and current coal production data;
- Relevant forms and publications;
- Information on existing coal mining operations;
- Status of current permitting actions for each mine;
- Completed AML projects; and
- Links to other web sites.

The internet provides the public with immediate information regarding the Texas coal mining and AML programs.

Each year, OSMRE contacts interested parties such as watershed groups, environmental organizations, industry representatives, private citizens, and government agencies to solicit input into OSMRE's oversight process. Through the oversight process, OSMRE performs studies of the state AML and coal mine regulatory programs administered by RCT, to determine if the agency is adhering to its approved state programs and internal operating procedures. The purpose of oversight is to identify problem areas, document the success of the state programs, and to provide assistance in areas where improvement is needed. Any interested party may make a request to TFO to be added to an email list that was developed and maintained by TFO with input from RCT. TFO personnel use this list to contact interested stakeholders when OSMRE begins the process of developing the annual performance agreement with the state.

#### **IV. MAJOR ACCOMPLISHMENTS AND INNOVATIONS**

This year marks the 39<sup>th</sup> anniversary of the both the AML and Regulatory programs in the state of Texas. The maturation of the programs has helped protect the public and minimize environmental impacts within the Texas coal fields.

Over the past year, OSMRE monitored RCT's performance in meeting the goals and objectives of the approved state programs. The Texas regulatory program has maintained a constant presence in the coal fields, thereby helping to minimize the adverse impacts of surface coal mining operations. Major accomplishments and innovations for this year include:

#### **Title V (Regulatory Program)**

- During EY2018, 97 percent of Texas inspectable mining units were free of off-site impacts.
- RCT has evaluated the complexity and configuration of surface mining operations conducted under a permit issued by the agency. It has determined that some of these operations were best administered as separate inspectable units operating under one permit. During EY2017, RCT determined that it could reduce the number of inspectable units that it administers. RCT started EY 2018 with 33 inspectable units in 30 approved permits. All permitted lands will continue to be inspected, but it has resulted in a reduction of the number of required inspections and associated reports.
- RCT has been transitioning the hardcopy permitting records to an online digital storage system, making retrieval of and access to permit files and current status of coal mining more accessible to State staff, permittees, and the public.

#### **Title IV (AML Program)**

- During EY 2018, Texas completed one coal-related AML project. RCT completed reclamation of an abandoned uranium project storm damage repair to the previously reclaimed Abode Wells project.
- Overall in EY 2018, RCT successfully implemented the AML program. RCT's project selection and use of grant funds addressed one coal-related project and the adverse impacts of past non-coal mineral development such as cinnabar and uranium.

### **V. SUCCESS IN ACHIEVING THE PURPOSES OF SMCRA**

#### **Title V (Regulatory Program)**

To further the concept of reporting end-results and on-the-ground success, the findings from OSMRE's evaluations are collected to provide:

- A national perspective on the number and extent of observed off-site impacts;
- The number of acres that have been mined and reclaimed to meet bond release requirements for the various phases of reclamation; and
- The effectiveness of customer service provided by the state.

Individual topic-specific reports that provide additional details on how the following evaluations and measurements were conducted are available online at [OSMRE's ODOCS resource](#) or at TFO.

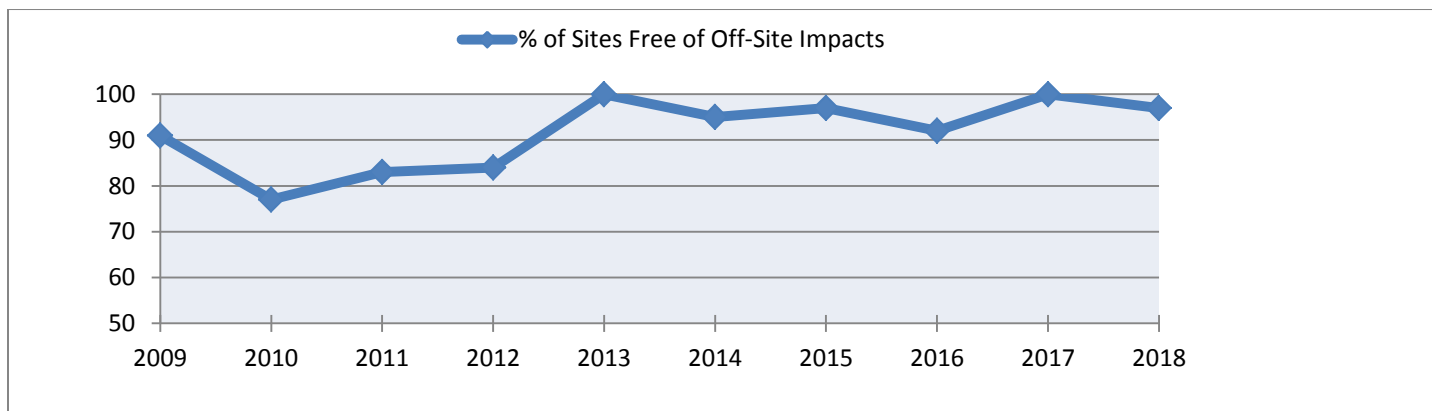
## A. Off-site Impacts

A goal of the state regulatory program is for each inspectable unit to have minimal or no off-site impacts. An off-site impact is anything resulting from a surface or underground coal mining or reclamation operation that causes a negative effect to resources (e.g., people, land, water, structures) outside the area authorized by the permit for mining and reclamation activities. The OSMRE oversight objective is that states, tribes, and OSMRE should be directing efforts to continually reduce the occurrence of off-site impacts. SMCRA and the equivalent state laws were designed to minimize impacts outside of areas authorized for mining and reclamation.

The numbers and types of off-site impacts are determined by compiling information from state and federal inspection reports, RCT Off-Site Impact Information forms, State and Federal enforcement actions, RCT follow-up inspections of violations that are self-identified by mine operators, citizen complaint files, civil penalty assessment data, and other field related information that describes on-the-ground conditions. RCT Off-Site Impact forms included information on the nature of off-site impacts, along with the severity and reparability of the damage resulting from the impact.

OSMRE reviewed data for the 33 Texas coal mining and reclamation inspectable units including 132 complete inspections and 264 partial inspections. The RCT's 396 inspections and OSMRE's nine inspections resulted in 405 opportunities to observe off-site impacts during the evaluation period. One off-site impact was identified during EY 2018. The table below illustrates RCT's success at preventing off-site impacts, especially during the last five evaluation years.

The percentages of inspectable units free of off-site impacts during the last ten years are shown in the table below:



## **B. Reclamation Success**

SMCRA and the Texas Surface Coal Mining and Reclamation Act, describe coal mining as a temporary use of the land. The Texas Statute at Section 134.003 states:

“It is the purpose of this Chapter: (4) to assure that reclamation of all land on which surface coal mining takes place occur as contemporaneously as practicable with the surface coal mining...”

Final bond release signifies that the land has been successfully reclaimed and returned to the landowner in a productive condition. The number of acres that meet bond release standards is one of OSMRE’s annual measures to determine a state program’s effectiveness in achieving reclamation success. As the attached Table 6 shows, permittees applied for and RCT approved the following releases:

- 2,960 acres of Phase I;
- 1,724 acres of Phase II;
- 3,194 acres of Phase III.

Historically, coal companies in Texas had been slow to apply for bond releases. They were mostly self-bonded, owned the surface land and had little economic incentive to apply for bond release. Prior to the mid-1990s, only about 10,000 acres of Phase I bond releases and about 6,000 acres of Phase III bond releases were approved by RCT. However in 2002, RCT began requiring a bond release schedule as a part of the reclamation plan in new permit application packages. In 2006, RCT implemented regulations that require assessments of an annual fee for each acre of land covered by a reclamation bond. The fee is assessed until Phase III bond release is approved, providing permittees with an incentive to seek releases. Since 1979, Texas coal companies have applied for and RCT has approved, 104,023 acres of Phase I bond release; 114,211 acres of Phase II bond release; and 55,965 acres of Phase III bond release.

Thirty days after a permittee submits a complete application for bond release, public notice is issued to land owners and adjoining property owners, local governmental bodies, planning agencies, and others, providing them an opportunity for comment on the proposed bond releases. For the bond releases approved in EY 2018, copies of such notices were on file, as were copies of the published newspaper ads. In accordance with TAC §12.312(b) (1), RCT announced receipt of the bond release applications and the dates of the field inspections to the landowners and other stakeholders listed in the application.

Bond releases in Texas have been shown to be cyclical mainly for reasons outside of the control of RCT. As an illustration of this, RCT released the most Phase II acreage in the last ten years during EY 2016; RCT released the least Phase II acreage in the last ten years during EY 2017. In total, EY 2018 had the second lowest numbers of acres released in the last ten years.

In EY2018, RCT granted Phase I bond release on 2,960 acres. The ten year average for Phase I bond release is 3,949 acres. In EY2017, the previous evaluation year, RCT granted Phase I release on 2,915 acres. OSMRE has not determined any specific reason for a reduction in the number of acres for which permittees have pursued Phase I bond release. Generally, backfilling and grading operations are not affected by climatic impacts. The recent significant economic

down turn in the general coal industry may have been a factor; but, if so, OSMRE would expect to have found RCT addressing problems with contemporaneous reclamation.

While this decline in bond releases during EY 2018 is a concern, it is important to note that RCT continues to conduct inspections and evaluate contemporaneous reclamation. A decline in bond release is not indicative of a trend in delayed reclamation. RCT inspectors ensure that permittees are in compliance with the reclamation schedule in the approved permits.

The table below shows the permitted and bonded acres as running totals, while bond release acres are shown as snap-shots for the corresponding years. They are shown here to provide a comparison between increasing or decreasing trends in acres released versus the change in permitted and bonded acres.

As can also be seen in the table below, bond-released acreage remains relatively small compared to the acreage of land that has been permitted and bonded in Texas.

#### **All Phases of Bond Release (in acres)**

<b>Evaluation Year</b>	<b>Permitted Acreage</b>	<b>Bonded Acreage</b>	<b>Phase I Release Acreage</b>	<b>Phase II Release Acreage</b>	<b>Phase III Release Acreage</b>
EY 2009	285,600	178,704	6,847	1,185	962
EY 2010	296,000	180,447	5,227	4,088	1,501
EY 2011	296,500	185,626	2,245	2,392	3,521
EY 2012	314,901	187,352	5,022	1,449	2,092
EY 2013	324,836	187,216	4,111	2,856	4,533
EY 2014	324,287	193,872	6,029	2,035	1,575
EY 2015	324,778	199,829	2,827	3,154	3,585
EY 2016	323,839	190,733	1,302	14,596	4,548
EY 2017	323,209	186,456	2,915	787	809
EY 2018	320,167	174,100	2,960	1,724	3,194

### **C. Customer Service**

#### **Customer Interaction**

RCT tracks inquiries by citizens (regardless of whether or not the contact constitutes a complaint), inquiries by government agencies, permittees, landowners, consultants, and other interested parties. Visitor tracking is maintained by logs kept at the entrance to the RCT office.

The Inventory of Inquiries log maintained by RCT was reviewed after the evaluation year ended on June 30, 2018. This compilation of inquiries to the RCT office included 22 visits to the office, 18 phone inquiries, 78 email inquiries, and one inquiry by mail. The coal-related inquiries concerned specific individual mining operation requirements and general program wide questions about mining and exploration activity.

The Inventory of Inquiry log captures some basic information such as the date of the inquiry; the origination of the inquiry as phone, email, or mail; the requestor's address, phone number, and email address; and a field for the type of request such as coal, uranium, exploration, abandoned mine lands, or other.

Various reasons for the inquiries in EY 2018 included specific permit requirement questions; coal bed location information and maps; land-use and reclamation obligations; availability of documents such as inspection reports, environmental impact statements, and groundwater reports; and jurisdictional questions.

The inquiry log also tracks the subject of the inquiry; many of which are quite specific in nature. Specific sections of a permit, specific revisions, identified well and groundwater reports are examples of the subjects for which RCT receives inquiries. RCT also tracks whether or not the request was satisfied.

### Citizen Complaints

A citizen complaint is narrowly defined in the Texas Administrative Code at §12.673, and requires that complaints be in writing and give reason(s) to believe that a violation of the Texas program exists. RCT received three citizen complaints in EY 2018. All three of the complaints originated with phone calls to the RCT offices. RCT handled the oral complaints as it would a written complaint.

For each of the complaints, RCT explained confidentiality and it was declined, met with the citizen in the field to discuss and investigate the nature of the complaint, responded in writing to the complainant, and explained the complainant's right to appeal RCT's decision.

#### Dust complaint.

RCT received a coal dust complaint from a landowner in the Eagle Pass area. The landowner had observed a black line of material on the doors of a vehicle. RCT responded to the complaint and met with the parties involved. RCT wiped various structures on the property to observe accumulated dust. The dust color varied between the structures that were wiped, but none were black. The black line on the vehicle was wiped and required considerable more effort to remove. RCT met with the mining company and reviewed air monitoring requirements and records. Air quality parameters were within compliance. RCT determined that the black material was not coal dust and the company was in compliance.

#### Water complaints.

- RCT received a complaint from a landowner in the Eagle Pass area about cloudy water in their non-potable water supply. The landowner receives water via a



series of irrigation canals, and uses it for irrigation, livestock, and showers. RCT investigated and determined that the landowner was approximately 1.1 miles from the closest permitted area, and that the canals are upstream of any lignite mining operation. RCT determined that the cloudy water did not originate from a permitted mine.

- RCT received a phone call from a landowner in the Elgin area alleging that a nearby mine had negatively impacted the quality and quantity of well water used primarily for irrigation, not as a source for drinking water. The landowner stated that the well pump would only run about five minutes before low water levels shut the pump down. RCT conducted an initial investigation of the well and had an equipment malfunction, so it followed up with a second visit to the well. RCT determined that the well is approximately 4,000 feet from the nearest mining disturbance. The well is in the Simsboro formation which is known to have high iron values, and the mineable lignite seam overlies the Simsboro. RCT found that the water recharge and observed high iron was not attributable to the mining operation.

Water complaints can require complex investigations of field conditions and permit application reviews. The length of time required to conduct the investigations is reasonable.

#### Lands Unsuitable Petitions

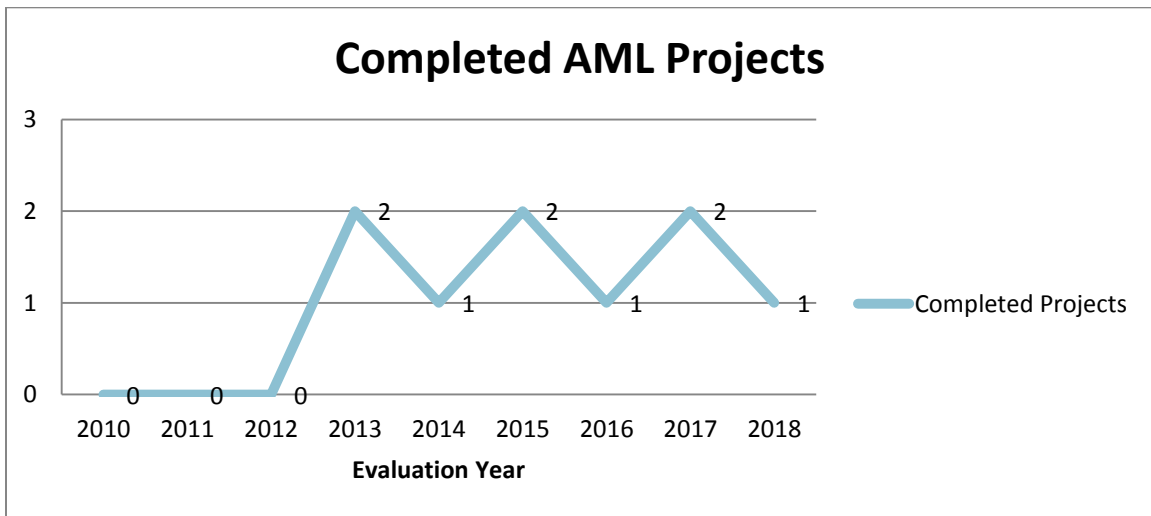
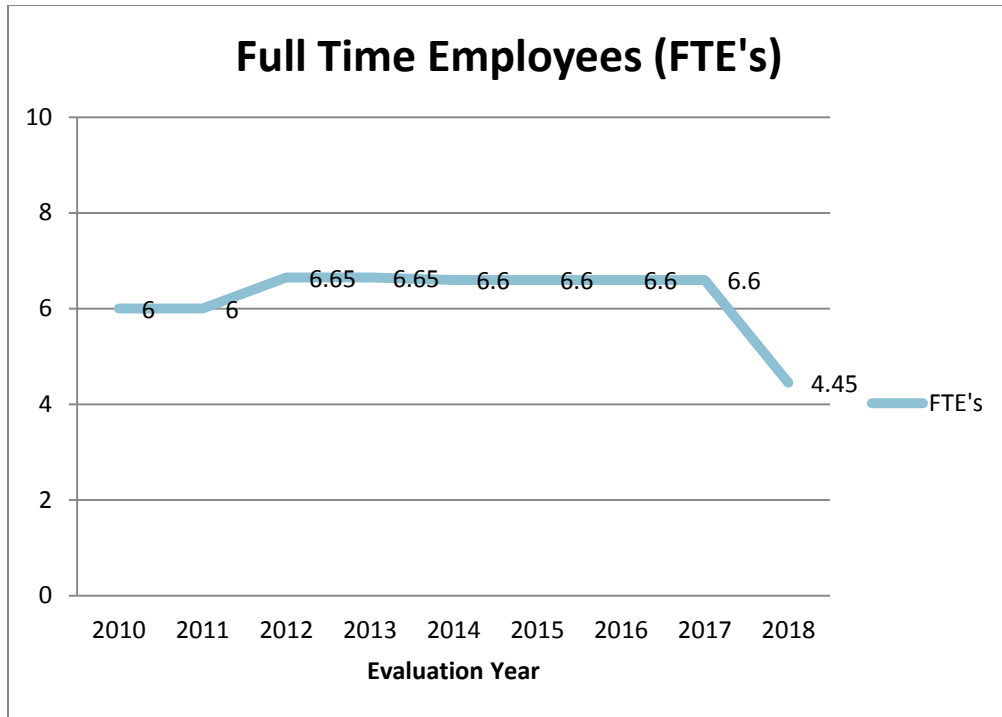
Section 12, Subchapter F of the Texas Administrative Code details how, upon petition, an area shall be designated as unsuitable for all, or certain types of surface coal mining operations, if RCT determines that reclamation is not technologically and economically feasible under the State program. RCT did not receive any lands unsuitable petitions in EY 2018.

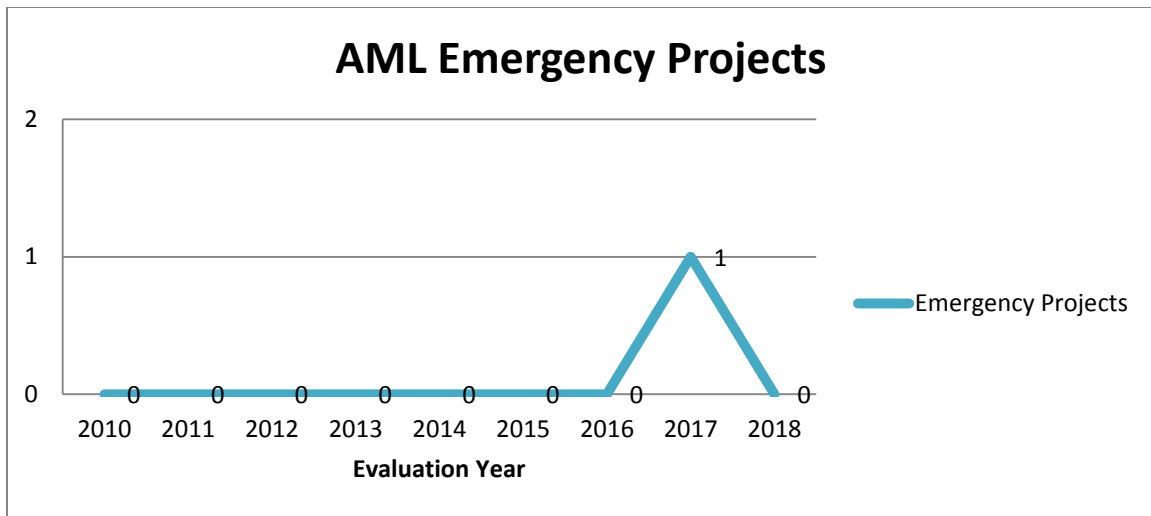
During EY 2018, RCT appropriately provided for customer service by satisfactorily responding to public inquiries. With the customer inventory, RCT has a system in place to provide efficient responses to citizens, and other interested parties, when inquiries are made. RCT systems ensure that those who made inquiries receive a reply, with requested documents provided.

RCT conducts appropriate investigations of citizen complaints, and promptly responds to the citizens. It complied with all requirements of the Texas program for citizen complaints regarding confidentiality, written decisions, providing an opportunity for the complainant to accompany an inspector, and providing an explanation of appeal rights. RCT exceeded the requirements of the Texas program by being promptly responsive to *oral* complaints.

#### **Title IV (AML Program)**

The Texas AML program currently has a staff consisting of 4.45 full-time employee equivalents. RCT certified completion of all known Priority 1 and 2 coal-related AML problems in 1992, and had been focusing its efforts on abandoned surface uranium mines in Karnes and Live Oak counties, and abandoned underground hard rock mines in Brewster, Presidio and El Paso counties. However, in EY 2018, RCT also completed a coal-related project in Bexar County, Texas.





## VI. NATIONAL PRIORITY AND GENERAL OVERSIGHT TOPIC REVIEWS

National priority reviews and general oversight topic reviews can be located and reviewed at OSMRE's website as listed at the introduction of this report. Topic specific reports prepared by OSMRE are part of the routine oversight process, and the reports contain findings and conclusions regarding the evaluation of the state program.

### A. National Priority Reviews

National Priority Reviews are oversight topic reviews selected by OSMRE to review nationwide. In EY17, there were no National Priority Reviews conducted in Texas.

### B. General Oversight Topic Reviews

General Oversight Topic Reviews are conducted as specified in the Texas/OSMRE Performance Agreement.

Topic specific reports contain background information, findings, and conclusions for the program elements evaluated during the period, and are available for review and copying at the Office of Surface Mining Reclamation and Enforcement, Tulsa Field Office. The same reports are also available at the OSMRE Oversight Documents website [OSMRE ODOCS resource](#). The Introduction section of this report explains how to access information using the OSMRE website.

## Title V (Regulatory)

### State Inspection Frequency

The Texas regulations at Title 16 TAC §12.670 state that RCT shall conduct at least one complete inspection in each calendar quarter and one partial inspection each month on each surface coal mining and reclamation operation under its jurisdiction. The required numbers of

inspections for the Texas inspectable units in EY 2018 are 132 complete and 264 partial, for a total of 396 inspections. RCT conducted 132 complete inspections and 264 partial inspections, totaling 396 inspections during the EY 2018 review period. RCT met both the required number of complete inspections and the required number of partial inspections for EY 2018.

<b>RCT Inspections Conducted During The Most Recent Evaluation Years</b>					
<b>Evaluation Year</b>	<b>Partial Inspections Required</b>	<b>Partial Inspections Conducted</b>	<b>Complete Inspections Required</b>	<b>Complete Inspections Conducted</b>	<b>Yearly Totals</b>
2014	319	339	159	159	498
2015	312	335	156	156	491
2016	312	334	156	156	490
2017	256	299	128	142	441
2018	264	264	132	132	396

### **Oversight Inspection Activity**

As a component of general oversight duties, OSMRE is required to conduct oversight activities, including mine inspections, to determine whether the approved Texas coal mining regulatory program is being implemented in accordance with the Texas coal mining statute and regulations. OSMRE is required to inspect and report on how the RCT program is being implemented on-the-ground.

During EY 2018, OSMRE staff conducted eight oversight inspections in Texas. Information gathered from these inspections shows how well Texas' program is ensuring environmental protection, reclamation success, and prevention of off-site impacts. All inspections conducted were focused, meaning the purpose of the inspections were identified before being conducted. OSMRE staff participated in two bond release inspections in EY 2018. TFO conducted oversight inspections on 25 percent of the Texas permits.

The table below indicates the numbers and types of inspections conducted by OSMRE during the evaluation year.

<b>EY 2018 Inspections Conducted</b>	<b>EY 2018 Inspection Target</b>	<b>Percent Target Inspections Completed</b>
8	8	100%

#### **Inspection Types**

<b>Complete</b>	<b>Partial</b>	<b>Focused</b>	<b>Joint</b>	<b>Non-Joint</b>	<b>Independent</b>
3	5	8	8	0	0

## **VII. PROGRAM PROBLEMS AND ISSUES**

OSMRE has initiated a corrective action process that applies when problems are identified with a state's approved regulatory program or the state's actions under that program, that could, if left unaddressed, result in a failure by the state to effectively implement, administer, enforce, or maintain its approved regulatory program.

### **Title V (Regulatory Program)**

No regulatory issues were identified in Texas during this EY that required the development of an action plan. No ten-day notices were issued in Texas during EY 2018.

### **Title IV (AML Program)**

TFO did not find any problems or issues with RCT's implementation of its AML program. Texas is properly implementing its AML program.

## **VIII. OSMRE ASSISTANCE**

OSMRE provides technical assistance and technology support to state regulatory and AML programs at the individual state level on project specific efforts and at the national level in the form of national meetings, forums, and initiatives. OSMRE ensures that the interests of states are considered when developing these types of assistance and support. OSMRE provides direct technical assistance in project and problem investigation, design and analysis, permitting assistance, developing technical guidelines and training and support. OSMRE initiated a

regional Technology Transfer Team in 2004 to support and enhance the technical skills needed to operate regulatory and reclamation programs in which each state, including Texas, has a representative.

OSMRE's role emphasizes assisting the state to improve its regulatory and AML programs by identifying program needs and problems while offering financial, technical, and programmatic assistance, as necessary, to strengthen the state programs. OSMRE has routinely provided information to RCT regarding OSMRE's new policy guidelines and procedures. The following assistance was provided during EY 2018:

### **Title V (Regulatory Program)**

- **Financial Assistance**

Financial assistance has been provided to Texas through grants defined by SMCRA. Funds granted to Texas this EY are listed in attached Table 9 of this report. OSMRE supplied Texas with \$2,592,728 or 50 percent of the operational budget for RCT's regulatory activities.

- **Technical Assistance**

RCT has access to and uses equipment provided by OSMRE through its Technical Innovation and Professional Services (TIPS) - Technology Transfer Program.

- **Training Opportunities**

Each Year, OSMRE provides Texas with opportunities to attend and participate in numerous technical training courses developed and provided by OSMRE's National Technical Training Program and the TIPS.

The courses are provided to the state by OSMRE at little or no cost. In most cases, all travel, meals, and lodging are provided by OSMRE for the state employees attending the class. OSMRE's technical training classes provide participants with a common understanding of the Federal regulations governing coal mining and knowledge of some of the latest technology and instructions on how to successfully apply them in a regulatory or AML setting. The course subjects cover a wide range of areas including, but not limited to, acid-forming materials, revegetation, erosion, effective writing, inspection and enforcement procedures, and slope stability analysis. The following courses were provided to RCT Staff:

#### **NTTP**

- AML Design Workshop: Drilling & Grouting
- SMCRA Principals & Field Procedures

#### **TIPS**

- ArcGIS Spatial Analyst
- Android & iOS Devices for SMRCRA
- CAD 201: Carlson Mining Site Design for Permitting and Reclamation
- CAD 301: Mining Field Hydrology and Natural Regrade for Permitting & Reclamation



- CAD 400:
- Global Mapper
- HECRAS
- Intro to GIS

#### **Title IV (AML Program)**

- **Financial Assistance**

In EY 2018, OSMRE provided \$2,287,150 or 100 percent of RCT's AML funds.

- **Technical Assistance**

In EY2018, OSMRE did not provide Texas with TIPS software.

## IX. TABLE FOOTNOTES

The table data are provided as an attachment to this Annual Evaluation Report. There are some data reported with a null value or that require additional description. The following are descriptions for the null data or other data provided:

**TABLE 1:** Underground coal has not been mined in Texas for many years, and none was mined in the 2014 calendar year.

**TABLE 6:** **Areas of Permits Bonded for Disturbance by Surface Coal Mining and Reclamation Operations:** OSMRE uses the EY to report data when evaluating the state's program. However, for this part of Table 6, RCT's 2016 calendar year data are being reported because this is the method RCT uses to track its data.

**TABLE 7:** **Bond Forfeiture Activity:** The state of Texas has not forfeited bond; therefore, this table is not applicable to the state program.

**TABLE 10:** **State Inspection Activity:** The DST system (calculates the numbers in the attached Tables) did not allow for entry of the accurate number of required partial inspections. RCT requires 8 partial inspections on inactive inspectable units, while the DST system calculates zero inspections on inactive inspectable units. The total number of EY 2017 required partial inspections is 256.

**TABLE 12:** **Lands Unsuitable Activity:** There has been no lands unsuitable activity in the state of Texas. Therefore this table is not applicable to the state program.

**TABLE 14:** There are currently no active action plans for the state of Texas.

## **APPENDIX 1**

### **Title V: Summary of Core Data to Characterize the Regulatory Program**

#### **Texas Annual Evaluation Report Evaluation Year 2018**

The following tables present summary data that are pertinent to mining operations and regulatory activities under the Texas regulatory program. Unless otherwise specified, the reporting period for the data contained in the tables is the Evaluation Year. Other data and information used by OSMRE in its evaluation of Texas performance are available for review in the evaluation file maintained by the OSMRE TFO.

Because of the variations from state to state in the number, size, and type of coal mining operations and the differences between state programs, the summary data should not be used to compare one state to another.

#### **List of Tables**

Table 1	Coal Produced for Sale, Transfer, or Use
Table 2	Permanent Program Permits, Initial Program Sites, Inspectable Units, and Exploration
Table 3	Permits Allowing Special Categories of Mining
Table 4	Permitting Activity
Table 5	Off-site Impacts
Table 6	Surface Coal Mining and Reclamation Activity
Table 7	Bond Forfeiture Activity
Table 8	Regulatory and AML Programs Staffing
Table 9	Funds Granted to State by OSMRE
Table 10	State Inspection Activity
Table 11	State Enforcement Activity
Table 12	Lands Unsuitable Activity
Table 13	OSMRE Oversight Activity
Table 14	Status of Action Plans
Table 15	Land Use Acreage (Optional)

**TABLE 1**

<b>COAL PRODUCED FOR SALE , TRANSFER, OR USE <sup>A</sup></b> (Millions of short tons)			
<b>Calendar Year</b>	<b>Surface Mines</b>	<b>Underground Mines</b>	<b>Total</b>
2014	43.8	0.0	43.8
2015	37.3	0.0	37.3
2016	39.3	0.0	39.3
2017	35.6	0.0	35.6

<sup>A</sup> Coal production is the gross tonnage (short tons) and includes coal produced during the calendar year (CY) for sale, transfer or use. The coal produced in each CY quarter is reported by each mining company to OSM during the following quarter on line 8(a) of form OSM-1, "Coal Reclamation Fee Report." Gross tonnage does not provide for a moisture reduction. OSM verifies tonnage reported through routine auditing of mining companies. This production may vary from that reported by other sources due to varying methods of determining and reporting coal production.

TABLE 2

PERMANENT PROGRAM PERMITS, INITIAL PROGRAM SITES, INSPECTABLE UNITS, AND EXPLORATION														
Mines and Other Facilities	Numbers of Permanent Program Permits and Initial Program Sites								Insp. Units <sup>1 2</sup>	Area in Acres <sup>3</sup>				Total Area
	Permanent Program Permits				Initial Program Sites					Permanent Program Permits (Permit Area)		Initial Program Sites		
	Active	Inactive	Aban- doned	Total	Active	Inactive	Aban- doned	Total		Federal Lands	State/ Tribal and Private Lands	Federal Lands	State/ Tribal and Private Lands	
Surface Mines	28	1	0	29	0	0	0	0	32	0	320,035	0	0	320,035
Underground Mines	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Other Facilities	1	0	0	1	0	0	0	0	1	0	132	0	0	132
Total	29	1	0	30	0	0	0	0	33	0	320,167	0	0	320,167
Permanent Program Permits and Initial Program Sites (Number on Federal Lands: 0)				Total Number:		30		Average Acres per Site:				10,672.23		
Average Number of Permanent Program Permits and Initial Program Sites per Inspectable Unit (IU):				Total Number:		0.91		Average Acres per IU:				9,702.03		
Permanent Program Permits in Temporary Cessation:				Total Number:		0		Number More than 3 Years:				0		
EXPLORATION SITES			Total Number of Sites				Sites on Federal Lands <sup>4</sup>				Exploration Inspectable Units			
Exploration Sites with Permits:			0				0				0			
Exploration Sites with Notices:			29				0				0			
<sup>1</sup> An Inspectable Unit may include multiple small and neighboring Permanent Program Permits or Initial Program Sites that have been grouped together as one Inspectable Unit, or conversely, an Inspectable Unit may be one of multiple Inspectable Units within a Permanent Program Permit.														
<sup>2</sup> Total Inspectable Units calculation includes Exploration Sites Inspectable Units														
<sup>3</sup> When a Permanent Program Permit or Initial Program Site contains both Federal and State and Private lands, the acreage for each type of land is in the applicable column.														
<sup>4</sup> The number of Exploration Sites on Federal lands includes sites with exploration permits or notices any part of which is regulated by the state under a cooperative agreement or by OSM pursuant to the Federal Lands Program, but excludes exploration sites that are regulated by the Bureau of Land Management														

TABLE 3

PERMITS ALLOWING SPECIAL CATEGORIES OF MINING			
Special Category of Mining	30 CFR Citation Defining Permits Allowing Special Mining Practices	Numbers of Permits	
		Issued During EY	Total Active and Inactive Permits
Experimental Practice	785.13(d)	0	0
Mountaintop Removal Mining	785.14(c)(5)	0	0
Steep Slope Mining	785.15(c)	0	0
AOC Variances for Steep Slope Mining	785.16(b)(2)	0	0
Prime Farmlands Historically Used for Cropland	785.17(e)	0	4
Contemporaneous Reclamation Variances	785.18(c)(9)	0	21
Mining on or Adjacent to Alluvial Valley Floors	785.19(e)(2)	0	0
Auger Mining	785.20(c)	0	0
Coal Preparation Plants Not Located at a Mine Site	785.21(c)	0	0
In-Situ Processing	785.22(c)	0	0
Remining	773.15(m) and 785.25	0	0
Activities in or Within 100 Feet of a Perennial or Intermittent Stream	780.28(d) and/or (e) 784.28(d) and/or (e)	0	24



TABLE 4

PERMITTING ACTIVITY												
Type of Application	Surface Mines			Underground Mines			Other Facilities			Totals		
	App. Rec.	Issued/ Appvd	Acres	App. Rec.	Issued/ Appvd	Acres <sup>1</sup>	App. Rec.	Issued/ Appvd	Acres	App. Rec.	Issued/ Appvd	Acres
New Permits	0	1	2,707	0	0	0	0	0	0	0	1	2,707
Renewals	1	0		0	0		0	0		1	0	
Transfers, sales, and assignments of permit rights	0	0		0	0		0	0		0	0	
Small operator assistance	0	0		0	0		0	0		0	0	
Exploration permits										0	0	
Exploration notices <sup>2</sup>											0	
Revisions that do not add acreage to the permit area	109	115		0	0		0	0		0	0	
Revisions that add acreage to the permit area but are not incidental boundary revisions	0	0	0	0	0	0	0	0	0	0	0	0
Incidental boundary revisions	0	0	0	0	0	0	0	0	0	0	0	0
<b>Totals</b>	<b>110</b>	<b>116</b>	<b>2,707</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>110</b>	<b>116</b>	<b>2,707</b>
<div> <div>Permits terminated for failure to initiate operations:</div> <div> <div>Number:</div> <div>0</div> <div>Acres:</div> <div>0.0</div> </div> </div> <div> <div>Acres of Phase III bond releases (Areas no longer considered to be disturbed):</div> <div> <div>Acres:</div> <div>3,184.0</div> </div> </div> <div> <div>Permits in temporary cessation</div> <div> <div>Notices received:</div> <div>0</div> <div>Terminations:</div> <div>0</div> </div> </div> <div> <div>Midterm permit reviews completed</div> <div> <div>Number:</div> <div>0</div> </div> </div> <div> <sup>1</sup>Includes only the number of acres of proposed surface disturbance         </div> <div> <sup>2</sup>State approval not required. Involves removal of less than 250 tons of coal and does not affect lands designated unsuitable for mining.         </div>												

TABLE 5

OFF-SITE IMPACTS EXCLUDING BOND FORFEITURE SITES														
RESOURCES AFFECTED		People			Land			Water			Structures			
DEGREE OF IMPACT		Minor	Moderate	Major	Minor	Moderate	Major	Minor	Moderate	Major	Minor	Moderate	Major	
TYPE OF IMPACT EVENT	NUMBER OF EVENTS													
Blasting	0	0	0	0	0	0	0	0	0	0	0	0	0	
Land Stability	0	0	0	0	0	0	0	0	0	0	0	0	0	
Hydrology	0	0	0	0	0	0	0	0	0	0	0	0	0	
Encroachment	1	0	0	0	1	0	0	0	0	0	0	0	0	
Other	0	0	0	0	0	0	0	0	0	0	0	0	0	
Total	1	0	0	0	1	0	0	0	0	0	0	0	0	
Total Number of Inspectable Units <sup>1</sup> :				33										
Inspectable Units with one or more off-site impacts:				1										
Exploration Inspectable Units with one or more off-site impacts <sup>2</sup> :				0										
Inspectable Units free of off-site impacts:				32					% of Inspectable Units free of off-site impacts <sup>4</sup> :				97	
<sup>1</sup> Total number of Inspectable Units is (1) the number of active and inactive inspectable units at the end of the Evaluation Year and (2) the number of Inspectable Units that were final bond released or removed during the Evaluation Year														
<sup>2</sup> Exploration Inspectable Units with one or more off-site impacts is a subset of Inspectable Units with one or more off-site impacts														
OFF-SITE IMPACTS AT BOND FORFEITURE SITES														
RESOURCES AFFECTED		People			Land			Water			Structures			
DEGREE OF IMPACT		Minor	Moderate	Major	Minor	Moderate	Major	Minor	Moderate	Major	Minor	Moderate	Major	
TYPE OF IMPACT EVENT	NUMBER OF EVENTS													
Blasting	0	0	0	0	0	0	0	0	0	0	0	0	0	
Land Stability	0	0	0	0	0	0	0	0	0	0	0	0	0	
Hydrology	0	0	0	0	0	0	0	0	0	0	0	0	0	
Encroachment	0	0	0	0	0	0	0	0	0	0	0	0	0	
Other	0	0	0	0	0	0	0	0	0	0	0	0	0	
Total	0	0	0	0	0	0	0	0	0	0	0	0	0	
Total Number of Inspectable Units <sup>3</sup> :				0										
Inspectable Units with one or more off-site impacts:				0										
Inspectable Units free of off-site impacts:				0					% of Inspectable Units free of off-site impacts <sup>4</sup> :				0	
<sup>3</sup> Total number of Inspectable Units is (1) the number of bond forfeiture sites that were reclaimed during the Evaluation Year and (2) the number of bond forfeiture sites that were unreclaimed at the end of the Evaluation Year														

**TABLE 5**  
**(Continued)**

TOTAL OFF-SITE IMPACTS INCLUDING BOND FORFEITURE SITES													
RESOURCES AFFECTED		People			Land			Water			Structures		
DEGREE OF IMPACT		Minor	Moderate	Major	Minor	Moderate	Major	Minor	Moderate	Major	Minor	Moderate	Major
TYPE OF IMPACT EVENT	NUMBER OF EVENTS												
Blasting	0	0	0	0	0	0	0	0	0	0	0	0	0
Land Stability	0	0	0	0	0	0	0	0	0	0	0	0	0
Hydrology	0	0	0	0	0	0	0	0	0	0	0	0	0
Encroachment	1	0	0	0	1	0	0	0	0	0	0	0	0
Other	0	0	0	0	0	0	0	0	0	0	0	0	0
Total	1	0	0	0	1	0	0	0	0	0	0	0	0
Total Number of Inspectable Units <sup>5</sup> : 33													
Inspectable Units with one or more off-site impacts: 1													
Exploration Inspectable Units with one or more off-site impacts: 0													
Inspectable Units free of off-site impacts: 32													
% of Inspectable Units free of off-site impacts <sup>4</sup> : 97													
<sup>4</sup> % of Inspectable Units free of off-site impacts is based on the number of Inspectable Units during the Evaluation Year. The number of Inspectable Units may vary during the Evaluation Year.													
<sup>5</sup> Total number of Inspectable Units is (1) the number of active and inactive Inspectable Units at the end of the Evaluation Year and (2) the number of Inspectable Units that were final bond released or removed during the Evaluation Year and (3) the number bond forfeiture sites that were reclaimed during the Evaluation Year and (4) the number of bond forfeiture sites that were unreclaimed at the end of the Evaluation Year.													

TABLE 6

SURFACE COAL MINING AND RECLAMATION ACTIVITY							
Areas of Phase I, II, and III Bond Releases During the Evaluation Year (EY)							
Phase I Releases	Phase II Releases		Phase III Releases			Total Acres Released During the EY	
Total Acres Released in Approved Phase I Releases	Total Acres Released in Approved Phase II Releases	Acres not previously released under Phase I	Total Acres Released in Approved Phase III Releases	Acres not previously released under Phase II	Acres not previously released under Phase I or II		
2,400		280			280	Phase I	2,960
	1,443			281		Phase II	1,724
			3,184			Phase III	3,184
Number of Permanent Program Permits with Jurisdiction Terminated Under Phase III Bond Release During the Evaluation Year					0	Other Releases - Acres	
Initial Program Sites with Jurisdiction Terminated During the Evaluation Year					0	Administrative Adjustments	9172
Number of Inspectable Units Removed					0	Bond Forfeiture	0
Areas of Permits Bonded for Disturbance by Surface Coal Mining and Reclamation Operations							

	Total Acres at Start of EY	Total Acres at End of EY	Change in Acres During EY
New Area Bonded for Disturbance			0
Total Area Bonded for Disturbance	186,456	174,100	(12,356)
Area Bonded for Disturbance without Phase I Bond Release	154,392	143,513	(10,879)
Area Bonded for Disturbance for which Phase I Bond Release Has Been Approved	16,427	17,375	948
Area Bonded for Disturbance for which Phase II Bond Release Has Been Approved	15,637	13,213	(2,424)
Area Bonded for Disturbance with Bonds Forfeited During Evaluation Year			0
Area Bonded for Remining	0	0	0
Areas of Permits Disturbed by Surface Coal Mining and Reclamation Operations			
Disturbed Area	(1)	0	1

TABLE 7

<b>BOND FORFEITURE ACTIVITY (Permanent Program Permits)</b>			
<b>Bond Forfeiture and Reclamation Activity</b>	<b>Number of Sites</b>	<b>Dollars</b>	<b>Acres</b>
Sites with bonds forfeited and collected that were un-reclaimed at the start of the current Evaluation Year (i.e, end of previous Evaluation Year) <sup>1</sup>	0		0
Sites with bonds forfeited and collected during the current Evaluation Year	0	0	0
Sites with bonds forfeited and collected that were re-permitted during the current Evaluation Year	0		0
Sites with bonds forfeited and collected that were reclaimed during the current Evaluation Year	0		0
Sites with bonds forfeited and collected that were un-reclaimed at the end of the current Evaluation Year <sup>1</sup>	0		0
Sites with bonds forfeited but un-collected at the end of the current Evaluation Year	0		0
<b>Forfeiture Sites with Long-Term Water Pollution</b>			
Bonds forfeited, lands reclaimed, but water pollution is still occurring	0		
Bonds forfeited, lands reclaimed, and water treatment is ongoing	0		
<b>Surety/Other Reclamation Activity In Lieu of Forfeiture</b>			
Sites being reclaimed by surety/other party at the start of the current Evaluation Year (i.e., the end of previous Evaluation Year) <sup>2</sup>	0		0
Sites where surety/other party agreed during the current Evaluation Year to do reclamation	0		0
Sites being reclaimed by surety/other party that were re-permitted during the current Evaluation Year	0		0
Sites with reclamation completed by surety/other party during the current Evaluation Year <sup>3</sup>	0		0
Sites being reclaimed by surety/other party at the end of the current Evaluation Year <sup>2</sup>	0		0
<sup>1</sup> Includes data only for those forfeiture sites not fully reclaimed. <sup>2</sup> Includes all sites where surety or other party has agreed to complete reclamation and the site is not fully reclaimed. <sup>3</sup> These sites are also reported in Table 6, Surface Coal Mining and Reclamation Activity, because Phase III bond release would be granted on these sites.			

TABLE 8

REGULATORY AND AML PROGRAMS STAFFING	
Function	Number of FTEs
<b>Regulatory Program</b>	
Permit Review and Maintenance	21.00
Inspection	9.00
Other (supervisory, clerical, administrative, fiscal, personnel, etc.)	7.90
<b>Regulatory Program Total</b>	37.90
<b>AML Program Total</b>	4.45
<b>TOTAL</b>	42.35

TABLE 9

<b>FUNDS GRANTED TO STATE OR TRIBE BY OSM</b> <b>(Actual Dollars Rounded to the Nearest Dollar)</b>			
<b>Type of Funding</b>	<b>Federal Funds Awarded</b>	<b>Total Program Cost</b>	<b>Federal Funds Awarded as a Percentage of Total Program Costs</b>
<b>Regulatory Funding</b>			
Administration and Enforcement Grant	2,632,728		
Other Regulatory Funding, if applicable	0		
<b>Subtotal (Regulatory Funding)</b>	2,632,728	5,265,456	50
<b>Small Operator Assistance Program Grant Funding</b>	0	0	
<b>Abandoned Mine Land Reclamation Funding</b>	2,287,150	2,287,150	100
<b>Watershed Cooperative Agreement Program</b>	0	0	
<b>TOTAL</b>	4,919,878		

TABLE 10

**STATE INSPECTION ACTIVITY**  
**INSPECTABLE UNITS FOR WHICH STATE MET REQUIRED INSPECTION FREQUENCY ON AN**  
**INSPECTABLE UNIT-BY-INSPECTABLE UNIT BASIS <sup>1</sup>**

Inspectable Units (IUs)	Total number of inspectable units <sup>2</sup>	Number of inspections required annually		Number of inspections conducted		IUs Met Complete Inspection Frequency Requirement		IUs Met Partial Inspection Frequency Requirement		IUs Met Complete and Partial Inspection Frequency Requirements		
		Complete inspections	Partial inspections	Complete inspections	Partial inspections	Number	Percent	Number	Percent	Total number of IUs	Number that met inspection frequency	Percent
<b>COAL MINES AND FACILITIES</b>												
Active	32	128	256	128	256	32	100	32	100	32	32	100
Inactive	1	4	0	4	8	1	100	1	100	1	1	100
Abandoned	0	0	0	0	0	0	0	0	0	0	0	0
<b>TOTALS <sup>3</sup></b>	33	132	256	132	264	33	100	33	100	33	33	100
<b>Coal Exploration Activities <sup>4</sup></b>		<b>Complete Inspections</b>						<b>Partial Inspections</b>				
Exploration sites with permits		0						0				
Exploration sites with notices		0						0				

<sup>1</sup> Calculated on a site-specific basis.

<sup>2</sup> Total number includes both permanent program permits and initial program sites.

<sup>3</sup> OSM is assuming that all states have gone through the process described in 30 CFR 840.11(h) and 842.11(f) to reduce inspection frequency on abandoned/forfeited sites

<sup>4</sup> Includes all valid notices and permits. No inspection frequency data are provided since SMCRA does not establish a minimum numerical inspection frequency for coal exploration activities.

<sup>5</sup> NA - Not Available



TABLE 11

STATE OR TRIBAL ENFORCEMENT ACTIVITY		
Type of Enforcement Action	Number of Actions <sup>1</sup>	Number of Violations <sup>1</sup>
Notice of Violation	6	6
Failure-to-Abate Cessation Order	0	0
Imminent Harm Cessation Order	0	0
<sup>1</sup> Does not include actions and violations that were vacated.		

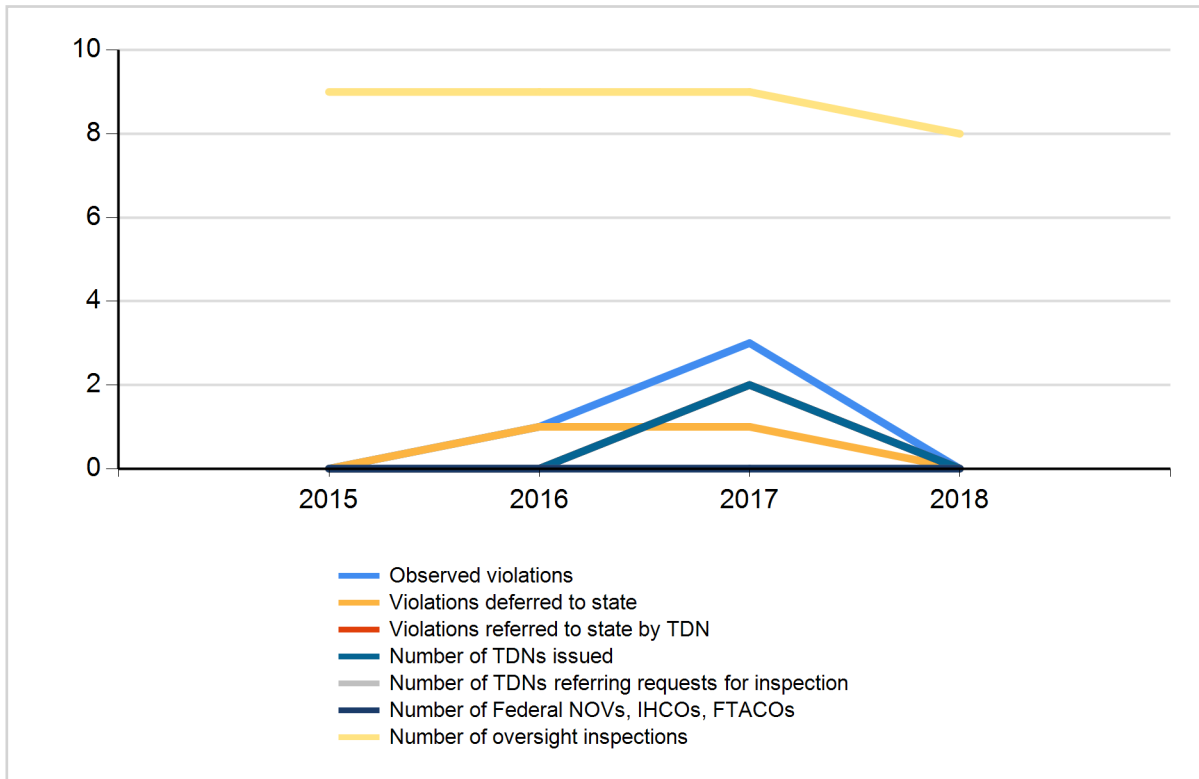
TABLE 12

LANDS UNSUITABLE ACTIVITY		
Activity	Number	Acres
Petitions Received	0	
Petitions Rejected	0	
Petitions Accepted	0	
Decisions Denying Petition	0	
Decisions Declaring Lands Unsuitable	0	0
Decisions Terminating Unsuitable Designations	0	0

TABLE 13

<b>OSM OVERSIGHT ACTIVITY</b>					
<b>Oversight Inspections and Site Visits</b>					
	<b>Complete</b>		<b>Partial</b>		
	Joint	Non-Joint	Joint	Non-Joint	Total
Oversight Inspections	3	0	5	0	8
	Technical Assistance		Other		Total
Site Visits	0		0		0
<b>Violations Observed by OSM and Citizen Requests for Inspection<sup>1</sup></b>					
<b>Type of Action</b>					<b>Total number of each action</b>
How many violations were observed by OSM on oversight inspections?					0
Of the violations observed, how many did OSM defer to State action during inspections?					0
Of the violations observed, how many did OSM refer to the State through Ten-Day Notices? <sup>2</sup>					0
How many Ten-Day Notices did OSM Issue for observed violations? <sup>3</sup>					0
How many Ten-Day Notices did OSM issue to refer citizen requests for inspection?					0
How many Notices of Violation did OSM issue?					0
How many Failure-to-Abate Cessation Orders did OSM issue?					0
How many Imminent Harm Cessation Orders did OSM issue?					0
<b>OSM Action for Delinquent Reporting or Non-Payment of Federal AML Reclamation Fees</b>					
How many Ten-Day Notices for delinquent reporting or non-payment of Federal AML reclamation fees did OSM issue?					0
How many Notices of Violation for delinquent reporting or non-payment of Federal AML reclamation fees did OSM issue?					0
How many Federal Failure-to-Abate Cessation Orders for delinquent reporting or non-payment of Federal AML reclamation fees did OSM issue?					0
<sup>1</sup> This section does not include actions for delinquent reporting or non-payment of Federal AML fees that are reported in the last section of the table. <sup>2</sup> Number of violations contained in Ten-Day Notices not including those issued to refer citizen requests for inspection. <sup>3</sup> Number of Ten-Day Notices issued not including those to refer citizen requests for inspection.					

**CHART 13A HISTORICAL TRENDS  
OSM OVERSIGHT ACTIVITY**



**TABLE 13A**

<b>Year</b>	<b>Number of violations observed on OSM oversight inspections</b>	<b>Number of violations deferred to state action</b>	<b>Number of violations referred to state by TDN</b>	<b>Number of TDN's issued</b>	<b>Number of TDN's issued to refer requests for inspection</b>	<b>Number of Federal NOV, IHCOs, &amp; FTACOs issued</b>	<b>Number of oversight inspections</b>
2015	0	0	0	0	0	0	9
2016	1	1	0	0	0	0	9
2017	3	1	2	2	0	0	9
2018	0	0	0	0	0	0	8

TABLE 14

STATUS OF ACTION PLANS						
Action Plan ID	Problem Type <sup>1</sup>	Problem Title	Problem Description	Date Action Plan Initiated	Scheduled Completion Date	Actual Completion Date
488	PA					
519	PA					
<sup>1</sup> Problem Type: "PA" indicates a required Program change under subchapter T or 732 "RP" indicates a Regulatory Program implementation or administrative problem						

**TABLE 15**  
**(Optional)**

<b>POST-MINING LAND USE ACREAGE OF SITES FULLY RECLAIMED</b> <b>(Phase III bond release or termination of jurisdiction under the Initial Program)</b>	
<b>Land Use<sup>1</sup></b>	<b>Acres Released</b>
Cropland	0.00
Pasture/Hayland	1,454.30
Grazingland	0.00
Forestry	0.00
Residential	0.00
Industrial/Commercial	1,498.20
Recreation	0.00
Fish & Wildlife Habitat	158.70
Developed Water Resources	72.70
Undeveloped land or no current use or land management	0.00
Other - Public Utilities	0.00
Other -	0.00
Other -	0.00
Other -	0.00
Other -	0.00
Other -	0.00
Other -	0.00
Other -	0.00
<b>Sub-Total Other</b>	0.00
<b>Total</b>	3,183.90
<sup>1</sup> Land uses as defined in 30 CFR 701.5 or "Other" as defined under the state or tribal program	

## **Title IV: Summary of Core Data to Characterize the AML Program**

### **Texas Annual Evaluation Report Evaluation Year 2018**

The following tables present summary data pertinent to abandoned mine land activities under the Texas AML program. Unless otherwise specified, the reporting period for the data contained in the tables is the evaluation year. Other data and information used by OSMRE in its evaluation of Texas performance are available for review in the files maintained by the OSMRE Tulsa Field Office.

Because of the enormous variations from state to state and the differences between state programs, the summary data should not be used to compare one state to another.

#### **List of Tables**

Table 1	Status of AML Inventory All Priority 1, 2, and 3 Hazards
Table 2	Accomplishments in Eliminating Health and Safety Hazards Related to Past Mining Priority 1 and 2 Hazards
Table 3	Accomplishments in Eliminating Health and Safety Hazards Related to Past Mining Priority 3 and SMCRA Section 403(b) Hazards
Table 4	Public Well-Being Enhancement
Table 5	Partnership Financial Resources Dedicated to Protecting the Public from Adverse Effects of Past Mining
Table 6	Reclamation Projects Started and/or Completed
Table 7	AML Program Grant Awards and Staffing

**Table 1 -Texas Status of AML Inventory all Priority 1, 2, and 3 Hazards  
on June 30, 2018**

	High Priority		Elevated Priority 3	Stand-Alone Priority 3 (Not adjacent or in conjunction w/P1&2)	Total
	Priority 1	Priority 2			
UNFUNDED					
GPRA Acres	0.1	37.10	N/A	70.00	107.20
Dollars	\$ 13,000.00	\$ 745,966.60	N/A	\$ 398,333.34	\$ 1,157,299.94
FUNDED					
GPRA Acres	0.0	4.1	0.0	0.0	4.10
Dollars	\$ -	\$ 63,000.00	\$ -	\$ -	\$ 63,000.00
COMPLETED					
GPRA Acres	10.60	1,178.40	0.0	1,343.00	2,532.00
Dollars	\$ 112,435.12	\$ 6,523,291.95	\$ -	\$ 3,898,917.86	\$ 10,534,644.93



**Table 2 - Texas Accomplishments in Eliminating Health and Safety Hazards Related to Past Mining  
(As of June 30, 2018)**

PROBLEM TYPE (keyword)																		
	Clogged Stream (CS) (miles)	Clogged stream Lands (CSL) (acres)	Dangerous Pile or Embankment (DPE) (acres)	Dangerous Highwall (DH) (feet)	Dangerous Impoundment (DI) (count)	Dangerous slide (DS) (acres)	Gases: Hazardous/Explosive (GHE) (count)	Hazardous Equip./Facilities (HEF) (count)	Hazardous Water Body (HWB) (count)	Industrial/Residential Waste (IRW) (acres)	Portal (P) (count)	Polluted Water: Agri/Industrial (PWAD) (count)	Polluted Water: Human Consumption (PWHC) (count)	Subsidence (S) (acres)	Surface Burn (SB) (acres)	Underground Mine Fire (UMF) (acres)	Vertical Opening (VO) (count)	TOTAL
UNRECLAIMED/REMAINING HAZARDS (Unfunded)																		
Units	0.0	0.0	0.0	2,100.0	0.0	0.0	0.0	0.0	1.0	0.0	0.0	0.0	0.0	2.0	0.0	0.0	2.0	N/A
GPRA Acres	0.0	0.0	0.0	3.0	0.0	0.0	0.0	0.0	5.0	0.0	0.0	0.0	0.0	2.0	0.0	0.0	0.2	10.2
Dollars	\$0.00	\$0.00	\$0.00	\$308,333.33	\$0.00	\$0.00	\$0.00	\$0.00	\$308,333.33	\$0.00	\$0.00	\$0.00	\$0.00	\$125,000.00	\$0.00	\$0.00	\$17,300.00	\$758,966.66
ANNUAL RECLAMATION - EY 2018 (Completed)																		
Units	0.0	0.0	0.0		0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	1.0	N/A
GPRA Acres	0.0	0.0	0.0		0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.1	0.1
Dollars	\$0.00	\$0.00	\$0.00		\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$3,670.00	\$3,670.00
HISTORICAL RECLAMATION - EY 1978-2017 (Completed)																		
Units	0.0	0.0	1,074.0	3,285.0	0.0	0.0	0.0	0.0	10.0	0.0	5.0	0.0	0.0	17.0	0.0	0.0	5.0	N/A
GPRA Acres	0.0	0.0	1,074.0	47.0	0.0	0.0	0.0	0.0	50.0	0.0	0.5	0.0	0.0	17.0	0.0	0.0	0.5	1,189.0
Dollars	0.00	0.00	3,702,966.21	44,826.54	0.00	0.00	0.00	0.00	2,214,778.28	0.00	79,303.77	0.00	0.00	69,037.35	0.00	0.00	124,814.62	6,235,726.77

**Table 3 - Texas Accomplishments in Eliminating Environmental Problems Related to Past Mining Priority 3 and SMCRA section 403(b) Hazards  
(As of June 30, 2018)**

PROBLEM TYPE (keyword)														
	Bench, Solid Bench, Fill Bench (BE) (acres)	Industrial/Residential Waste Dump (DP) (acres)	Equipment and Facilities (EF) (count)	Gob (GO) (acres)	Highwall (H) (feet)	Haul Road (HR) (acres)	Mine Opening (MO) (count)	Pit, Open Pit, Strip Pit (PD) (acres)	Spoil, Spoil Bank (SA) (acres)	Slurry (SL) (acres)	Slump (SP) (acres)	Water (WA) (gallons)	Other (specify)	Water Supplies (WS) - Section 403(b) (count)
														TOTAL
UNRECLAIMED/REMAINING HAZARDS (Unfunded)														
Units	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	25.0	0.0	3.0	0.0	45.0	0.0
GPRA Acres	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	25.0	0.0	3.0	0.0	45.0	0.0
Dollars	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	30,833.34	0.00	5,000.00	0.00	90,000.00	0.00
ANNUAL RECLAMATION - EY 2018 (Completed)														
Units			0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
GPRA Acres	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Dollars	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
HISTORICAL RECLAMATION - EY 1978-2017 (Completed)														
Units	0.0	0.0	0.0	8.0	0.0	0.0	0.0	0.0	152.0	0.0	0.0	0.0	1,183.0	0.0
GPRA Acres	0.0	0.0	0.0	8.0	0.0	0.0	0.0	0.0	152.0	0.0	0.0	0.0	1,183.0	0.0
Dollars	0.00	0.00	0.00	50,900.00	0.00	0.00	0.00	0.00	432,557.54	0.00	0.00	0.00	3,506,460.32	0.00

**Table 4 - Texas PublicWell-Being Enhancement**  
**(All Priority 1, 2, and 3 AML projects completed during EY 2018)**

#	PAD Number	Project Name	Problem Type(s) Reclaimed	GPRA Acres	Cost	Number of People with Reduced Exposure Potential (State Estimated/or/Census Data)
1	TX-0013	Somerset-Castillo	VO	0.1	\$3,671.00	818
2						
3						
4						
5						
6						
7						
8						
9						
10						
<b>TOTAL</b>				0.1	\$3,671.00	818

**Table 5 - Texas Partnership Financial Resources Dedicated to Protecting the Public from Adverse Effects of Past Mining**  
(AML projects completed during EY 2018)

#	PAD Number	Project Name	SMCRA Program Funding Source	Total SMCRA Funding	Alternate Non-SMCRA Funding Source	Total Non-SMCRA Funding	In-Kind Services	Total Project Funding	Comments
1								\$ -	
2								\$ -	
3								\$ -	
4								\$ -	
5								\$ -	
6								\$ -	
7								\$ -	
TOTAL				\$ -		\$ -	\$ -	\$ -	

<b>Table 6 - Texas Reclamation Projects Started and or Completed</b> <b>(AML projects started and/or completed during EY 2018)</b>		
<b>Project Type</b>	<b>Projects Started</b>	<b>Projects Completed</b>
State/Tribe (EY 2018):	3	3
Federal (EY 2018):	0	0
Total (EY 2018):	3	3

<b>Table 7 -Texas AML Program Grant Award and Staffing (During 2018)</b>	
<b>AML Program Costs</b>	
Administration	\$174,046.00
Construction	\$0.00
Water Supply Construction	\$0.00
AMD Set-Aside	\$0.00
Other(s) (specify) - Non-Coal Reclamation	\$2,113,104.00
<b>Total AML Funding</b>	<b>\$2,287,150.00</b>
AML Program Staffing (full-time equivalents on June 30, 2014)	4.45

## APPENDIX 2

### Comments of the State of Texas on the Report

#### Texas Annual Evaluation Report Evaluation Year 2018

#### Title V: Texas Regulatory Program Comments

All of the following comments received from RCT were incorporated into the EY 2018 Texas Annual Report.

*Just a couple of minor comments...*

##### Annual Report Draft

- *Section II, page 3: You indicate that climate is not a limiting factor for reclamation activity in Texas, but describe difficulties in revegetation efforts related to hot and sometimes droughty growing seasons. It might also be worth mentioning that we also have periods of extremely heavy rains that can limit equipment access for long periods if flooding occurs in fairly flat areas.*
- *Section V.A., page 7: In the last sentence at the bottom of the page, you mention percentages of inspectable units free of offsite impacts in the “table below”. It appears that the sentence should be revised to say “table above” or move the sentence to be above the table.*
- *Section V.B., page 8: In the fourth paragraph, you say that increased fees in FY 2014 provided additional incentive to seek bond release. I think that sentence should be removed. The preceding sentence covers that the fee structure (applicable to bonded areas) incentivizes bond release so the reference to FY 2014 fees is duplicative. That statement would actually no longer accurate anyway, since fees were reduced a bit last year. The biggest incentive remains the fee collection structure based on bonded areas instead of being production driven.*

*If you decide the observations above warrant the minor changes to the annual report, there may be a need to tweak the text in the topic specific report on reclamation success. Thanks for the opportunity to review and comment on the draft. Have a great day.*

*Travis*

#### Title IV: Texas AML Program Comments

RCT had no comments on the AML section of the Annual Report.